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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/840,053 | 04/24/2001 | Kyosuke Yoshimoto | 1163-0337P | 3691 |
| 2292 | 7590 | 01/26/2005 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | LIN, WEN TAI | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,053

Applicant(s)

YOSHIMOTO ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/3/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2 and 4-16 are presented for examination. Claims 13-16 are newly added. Claim 1 has been amended to incorporate the feature of claim 3, which is canceled in the amended claim set.
2. In response to Applicant's challenge on the use of "Official Notice" in the previous office action, which was based on MPEP 2144.03 (B) with clear technical line of reasoning, the prior art of Cuenod [U.S. Pat. No. 5317693] has been included in the rejection of claims 1-2 and 4-12 as evidential support for the examiner's previous rejection on claims 3-4 and 12 by taking official notice (see MPEP 2144.03 (C)).
3. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 103

4. Claims 1-2, 4-5 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer [U.S. Pat. No. 5799151] in view of Cuenod et al.(hereafter "Cuenod")[U.S. Pat. No. 5317693].

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5. As to claims 1 and 12, Hoffer teaches the invention substantially as claimed including:

an information collecting system [col.16, line 66 – col.18, line 18] comprising: at least one terminal including an information input device [1.1, Fig.1], an information display unit and a communication circuit [Fig.1; col.2, lines 31-46]; and

an information processing center that is connected to said terminal via a network [1.3, Fig.1], and includes an application server [1.2, Fig.1; col.2, line 64 – col.3, line 6; i.e., PA is an application server], said application server including:

- a receiving section for receiving input information transmitted from said terminal to said information processing center via the network [1.13, Fig.1];
- an information processing section for making a decision as to the information received [1.14, Fig.1], and for constructing a picture to be displayed on the terminal in response to a decision result [col.2, lines 47-63]; and
- a transmitting section for transmitting the picture generated by said information processing section to said terminal [col.2, line 64 – col.3, line 6].

Hoffer does not specifically teach that said terminal comprises a circuit for detecting power-on of the terminal, and for automatically activating said communication circuit to transmit power-on information to said information processing center.

However, Cuenod teaches a power up (or reset) process performed by a peripheral device (e.g., a terminal) connecting to a host (e.g., a mainframe computer) via a network [Fig.8; col.6, lines 49-63 and Abstract]. Since a device may be disconnected or reconnected to the network while the system is running, sending a power-on message from the device to the host to which it is connected is an essential matter and applicable to a wide variety of systems.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Hoffer's relatively low-capability terminal [col.2, lines 41-63] also require a power-on detecting circuit for automatically sending a power-on information to the host because the host needs to be notified of its existence, otherwise the host would not be able to configure the device/terminal into the system, for example, by sending a initial picture to the terminal and prompting for interactive log-on [col.4, lines 55-61].

6. As to claims 2 and 4, Hoffer does not specifically teach that said information processing center further comprises a database server, a file server and a WWW server, and wherein said information processing section in said application server carries out information processing by exchanging information with these servers. However, since the database server, file server and WWW server are only concurrent processes, it would have been obvious to one of ordinary skill in the art that Hoffer's needs to interact with all these processes because Hoffer's PA is able to perform

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database access, file transfer and internet request handling capabilities [col.4, line 25 – col.5, line 4; col.30, lines 43-51].

7. As to claim 5, Hoffer further teaches that said information processing section of said application server comprises a client application memory for storing in advance necessary information including identifying information of a user; and a client display screen constructor for constructing a client display picture from the necessary information read out of said client application memory and information supplied from other servers [note that, in order for Hoffer's host to distinguish among the different terminals/users and communicate with each of them, a pre-stored client information and a screen constructor must exist otherwise there would be no way of authenticating them].

8. As to claim 8, Hoffer further teaches that said terminal is connected to a LAN (Local Area Network), and said LAN is connected to said network [col.4, lines 49-64; note that an Internet is a wide-area network incorporating various types of network including LAN].

9. As to claims 9-10, Hoffer teaches that the BBS can be installed in most LAN environment [col.4, lines 49-52], which obviously may include any number of service related servers including database servers, file servers and web servers and exchange information among them.

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Hoffer is silent about performing processing associated with predetermined requested information in the local server (and transmits a processing result to said terminal), whereas said local server transmits remaining requested information to said information processing center via said network without processing the remaining requested information.

However, under the notion of internet browsing, it is well known that an information provisioning system may be structured into multi-tiers so that some information may be obtained from the first tier, while some other information is obtained from the second or the third tiers, depending on how securely the information is guarded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Hoffer's system/method could also be extended to a multi-tier environment because it only takes the first-tier server to perform the function of terminal emulation or direct customer communication in Hoffer's system, and by allowing such extension, it would allow Hoffer's clients to access many more information sources.

10. As to claim 11, Hoffer teaches that said application server in said local server comprises at least one of a word processing application [col.3, lines 23-34].

Hoffer does not specifically teach that local server includes a spreadsheet application. However, spreadsheet application such as MS Excel is well known and widely installed in a computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include spreadsheet application as part of Hoffer's system developing tools because it's part of an editing tool that may facilitate construction of table information.

11. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer [U.S. Pat. No. 5799151], as applied to claims 1-2, 4-5 and 8-12 above and Cuenod et al.(hereafter "Cuenod") [U.S. Pat. No. 5317693], as applied to claims 1-2, 4-5 and 8-12 above, further in view of Housel et al. (hereafter "Housel") [U.S. Pat. No. 5909569].

12. As to claims 6-7, Hoffer does not specifically teach using a differential detector for detecting a difference between a terminal's existing screen and the next screen to be sent, so that only difference between the two screens need to be sent to the terminal.

However, in the same field of endeavor, Housel teaches using a protocol interceptor that is provided on both the host side and a terminal emulator application side and applying a differenced communication protocol for reducing a subsequent screen by only transmitting the difference between the two adjacent screens.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Housel's differencing technique in Hoffer's system because Hoffer's telnet protocol is a slow-speed communication protocol, therefore the

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reduction of data volume in communication would further assure the objective of real-time interactive communications for Hoffer's system users [Abstract: lines 1-3].

13. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer [U.S. Pat. No. 5799151], as applied to claims 1-2 and 4-12 above and Cuenod et al.(hereafter "Cuenod")[U.S. Pat. No. 5317693], as applied to claims 1-2 and 4-12 above, further in view of Matthews et al.(hereafter "Matthews")[U.S. Pat. No. 6101601].

14. As to claim 13, Cuenod further teaches that said initial picture including a display portion for receiving user input of identification information to be transmitted to said information processing section [col.7, line 58 – col.8, line 7; i.e., the input is in response to the identity command message from the host], and, in response to receiving said user input of identification information, said information processing section to send to the terminal a subsequent picture including a plurality of menu items for user selection [note that this is an inherent step following a successful log-in process].

Hoffer and Cuenod does not specifically teach that said plurality of menu items for user selection includes a menu for a picture displayed on the terminal immediately before previous power-off of the terminal, and said information processing section to send to the terminal, for display, information associated with at least one of the plurality of menu items in response to said user selection.

However, Matthews teaches a network boot procedure [Figs. 5-6] wherein the network host [300, Fig.3] tends to restore a rebooted network computer [e.g., 310, Fig.3]

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to its former state before the power failure [col.4, lines 44-63]. Further, it is a nominal practice to prompt the user of a crashed system to restart an application or restore it to a state right before the system is crashed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is also desirable to prompt the user of Hoffer and Cuenod's host-controlled terminal for an option of restoring the terminal to a state before the a power failure because such procedure would accommodate a user's intent [i.e., whether the pervious "power-off" is due to an intended termination of an application or due to an unintended power failure].

15. As to claims 14-16, since the features of these claims can also be found in claims 1-2, 4-13, they are rejected for the same reasons set forth in the rejection of claims 1-2, 4-13 above.

16. Applicant's argument filed on 11/3/2004 for claims 1-2 and 4-12, which challenge the examiner's use of Official Notice in the previous office action, has been considered. In response, the prior art of Cuenod has used as documental support for the previous Official Notice.

17. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

January 24, 2005


1/24/05